

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

UNITED STATES OF AMERICA

§
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§
§

v.

Criminal No. M-17-1140

OMAR ESPERICUETA

NOTICE OF PLEA AGREEMENT

COMES NOW the United States of America, hereinafter referred to as "the Government," by and through its Acting United States Attorney for the Southern District of Texas and its Assistant United States Attorney assigned to this matter, and would respectfully show the Court that the Government and the Defendant have entered into the following plea agreement:

1. The Defendant agrees:
 - a. to plead guilty to Count One of the Indictment;
 - b. that the loss to Blue Cross Blue Shield of Texas as a result of the conspiracy set forth in Count One of the Indictment was \$1,484,268.05;
 - c. to make restitution in this case in the amount of \$1,484,268.05, as allowed per 18 U.S.C. § 3663(a)(3), payable to Blue Cross Blue Shield of Texas; and
 - d. that he obtained gross proceeds of \$1,484,268.05, that a money judgment should be imposed in that amount, and that the money judgment will become final immediately pursuant to FED.R.CRIM.P. 32.2(b)(4)(A).
2. The Government will recommend:
 - a. that the offense level decrease by 2 levels pursuant to U.S.S.G. § 3E1.1(a) if the defendant clearly demonstrates acceptance of responsibility; and
 - b. that the remaining counts of the indictment be dismissed at the time of sentencing.

If the Defendant is not a citizen of the United States of America, a plea of guilty may result in her removal from the United States, denial of citizenship and denial of admission to the United States in the future.

This document states the complete and only Plea Agreement between the United States of America and the Defendant, and is binding only on the parties to this Agreement, and it supersedes all prior understandings, if any, whether written or oral, and cannot be modified other than in writing and signed by all parties or on the record in Court. No other promises or inducements have been or will be made to the Defendant in connection with this case, nor have any promises or threats been made in connection with this plea.

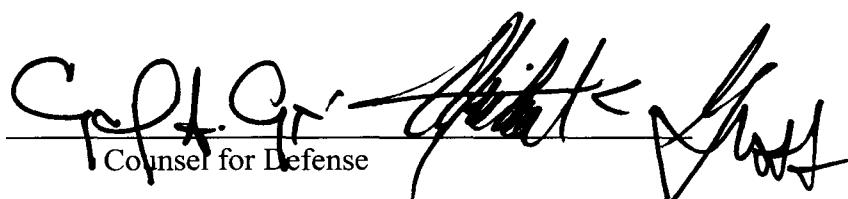
ACKNOWLEDGMENTS:

I have read this agreement and carefully reviewed every part of it with my attorney. If I have difficulty understanding the English language, I have had a person fluent in the Spanish language interpret this agreement to me.

Date: 12/01/17 Defendant: 

I am the Defendant's counsel. I have carefully reviewed every part of this agreement with the Defendant. I certify that this agreement has been translated to my client by a person fluent in the Spanish language if my client is unable to read or has difficulty understanding the English language.

Date: 12/1/17


Counsel for Defense

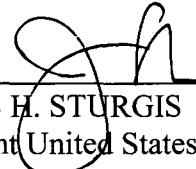
For the United States of America:

Abe Martinez
Acting United States Attorney


ANDREW R. SWARTZ

Assistant United States Attorney

APPROVED BY:


JAMES H. STURGIS
Assistant United States Attorney in Charge